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23910 7590 01/27/2009

FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

EXAMINER

HASHEM, LISA

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 01/27/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/024,982

12/18/2001

Lester D. Nelson

FXPL-01035US0

4818

TITLE OF INVENTION: MULTI-CHANNEL QUIET CALLS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	04/27/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23910 7590 01/27/2009

**FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/024,982 12/18/2001 Lester D. Nelson FXPL-01035US0 4818

TITLE OF INVENTION: MULTI-CHANNEL QUIET CALLS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$300 \$0 \$1810 04/27/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
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HASHEM, LISA 2614 379-088130

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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23910	7590	01/27/2009	EXAMINER	
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 01/27/2009				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/024,982	NELSON ET AL.	
	Examiner	Art Unit	
	LISA HASHEM	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 11-6-2008.
2. ☒ The allowed claim(s) is/are 19-22, 47-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|---|

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Thomas Plunkett (Reg. 57,253) on 1-15-2009. Applicant's representative, Thomas Plunkett, agreed to the following changes without prejudice:

Cancel claims 1-9, 11-18, and 23-46

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter: upon close review of the claims, the prior art, and applicant's remarks in the RCE filed on 11-6-2008, it appears that the allowance of claims 19-22 and 47-53 are appropriate.

The prior art of U.S. Pat. No. 6,594,503 by Herzig used in the last office action discloses a system comprising: a mobile telephone (Fig. 2, 100), a processing device (Fig. 2: 100, 130) for storing an internal representation of a phrase element (i.e. keywords or phrases or identification), and a scanning device (Fig. 2, 120), coupled to the processing device, scanning in a first word or code (i.e. 'hotel') and a second word or code (i.e. 'Wiesbaden') to set up a call on a single communication channel (col. 2, line 7 – col. 3, line 18) rather than a mobile telephone that supports a plurality of channels and a scanning device for reading a first code associated with a phrase element and for reading a second code associated with a first channel of the plurality of channels, wherein the processing device transforms a user's silent input selection of the first

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code associated with the phrase element into an audible output utterance only over the first channel associated with said second code while enabling the user to verbally communicate a second audible output utterance over a second channel of the plurality of channels with no audible feedback into the first channel;

wherein audible input from the first channel is mixed with audible input from the second channel, or a graphic representation of audio input on the first channel is visually displayed to the user while audio input on the second channel is communicated audibly to the user. Therefore Herzig does not meet the requirements of the claimed invention.

Further, it would be contrary to the teaching in Herzig to include a mobile telephone that supports a plurality of channels and a scanning device for reading a first code associated with a phrase element and for reading a second code associated with a first channel of the plurality of channels, wherein the processing device transforms a user's silent input selection of the first code associated with the phrase element into an audible output utterance only over the first channel associated with said second code while enabling the user to verbally communicate a second audible output utterance over a second channel of the plurality of channels with no audible feedback into the first channel; wherein audible input from the first channel is mixed with audible input from the second channel, or a graphic representation of audio input on the first channel is visually displayed to the user while audio input on the second channel is communicated audibly to the user since Herzig discloses setting up a call on a single channel based on the first word and second word (i.e. keywords) that are scanned in by the mobile telephone.

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The prior art of U.S. Pat. No. 6,882,863 by Hansson discloses a system comprising: a smartphone or mobile telephone (Fig. 1; Fig. 2), a processing device (i.e. CPU; Fig. 2, 20) for storing an internal representation of a phrase element (i.e. message), and a scanning device (i.e. barcode reader; Fig. 2, 17), coupled to the processing device, scanning in a bar-coded telephone number to set up a call on a single channel or scanning in characters to send as a message to a remote receiver (col. 4, line 10 – col. 5, line 14) rather than a mobile telephone that supports a plurality of channels and a scanning device for reading a first code associated with a phrase element and for reading a second code associated with a first channel of the plurality of channels, wherein the processing device transforms a user's silent input selection of the first code associated with the phrase element into an audible output utterance only over the first channel associated with said second code while enabling the user to verbally communicate a second audible output utterance over a second channel of the plurality of channels with no audible feedback into the first channel;

wherein audible input from the first channel is mixed with audible input from the second channel, or a graphic representation of audio input on the first channel is visually displayed to the user while audio input on the second channel is communicated audibly to the user. Therefore Hansson does not meet the requirements of the claimed invention.

Further, it would be contrary to the teaching in Hansson to include a mobile telephone that supports a plurality of channels and a scanning device for reading a first code associated with a phrase element and for reading a second code associated with a first channel of the plurality of channels, wherein the processing device transforms a user's silent input selection of the first code associated with the phrase element into an audible output utterance only over the

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first channel associated with said second code while enabling the user to verbally communicate a second audible output utterance over a second channel of the plurality of channels with no audible feedback into the first channel; wherein audible input from the first channel is mixed with audible input from the second channel, or a graphic representation of audio input on the first channel is visually displayed to the user while audio input on the second channel is communicated audibly to the user since Hansson discloses setting up a call on a single channel based on the bar-coded telephone number scanned in by the barcode reader or sending a digital message to a remote receiver based on the characters that are scanned in by the barcode reader.

The prior art of U.S. Pat. No. 7,123,707 by Hiri discloses a called party communications device (i.e. wireless device; Fig. 1-A, 1-D: 110) (col. 2, lines 31-45) that supports a plurality of channels and a processing device (i.e. called party communications device) that transforms a user's silent input selection of a text message (i.e. phrase element) into an audible output utterance only over a first channel (i.e. communicating with a first calling party; Fig. 1-A, 1-D: 110) while enabling the user to verbally communicate a second audible output utterance over a second channel (i.e. communicating with a second calling party; Fig. 1-A, 1-D: 110) of the plurality of channels with no audible feedback into the first channel (col. 1, line 65 – col. 2, line 30; col. 5, lines 47-54; col. 6, line 48 – col. 7, line 46; Fig. 1-D) rather than a scanning device for reading a first code associated with a phrase element and for reading a second code associated with a first channel of the plurality of channels, wherein the processing device transforms a user's silent input selection of the first code associated with the phrase element into an audible output utterance only over the first channel associated with said second code while enabling the

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user to verbally communicate a second audible output utterance over a second channel of the plurality of channels with no audible feedback into the first channel;

wherein audible input from the first channel is mixed with audible input from the second channel, or a graphic representation of audio input on the first channel is visually displayed to the user while audio input on the second channel is communicated audibly to the user. Therefore Hiri does not meet the requirements of the claimed invention.

Further, it would be contrary to the teaching in Hiri to include a scanning device for reading a first code associated with a phrase element and for reading a second code associated with a first channel of the plurality of channels, wherein the processing device transforms a user's silent input selection of the first code associated with the phrase element into an audible output utterance only over the first channel associated with said second code while enabling the user to verbally communicate a second audible output utterance over a second channel of the plurality of channels with no audible feedback into the first channel; wherein audible input from the first channel is mixed with audible input from the second channel, or a graphic representation of audio input on the first channel is visually displayed to the user while audio input on the second channel is communicated audibly to the user since Hiri discloses a called party of the called party communications device selecting a text message or phrase element using a keypad input and sending the phrase element in an audible output utterance only over the first channel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

5. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lisa Hashem/

Examiner, Art Unit 2614

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614

January 16, 2009